

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

EDWARD DANE JEFFUS,)
)
Petitioner,)
) 1:11CV867
v.) 6:92CR184-2
)
UNITED STATES OF AMERICA,)
)
Respondent.)

O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on October 25, 2011, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Petitioner's motion to vacate, set aside or correct sentence [Docket No. 222] is dismissed without prejudice for failure to obtain certification for this § 2255 application by filing a Motion for

Authorization in the Court of Appeals for the Fourth Circuit as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d). **IT IS FURTHER ORDERED** that Petitioner's motion to amend [Docket No. 227], motion to expand the record [Docket No. 228], motion for leave to conduct discovery/motion to appoint counsel [Docket No. 229], motion for an evidentiary hearing [Docket No. 230], and motion for appointment of counsel [Docket No. 231] are **DENIED** for lack of good cause. A judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 7th day of March, 2012

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge